

april 02, 2009

# THE RESEARCH REVIEW

published by the Research Division of the Tennessee House of Representatives



THE HOUSE RESEARCH DIVISION  
320 6th AVE N. • RACHEL JACKSON BUILDING, 7th FLOOR • NASHVILLE, TN 37243

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## THE FULL COMMITTEE

The **Agriculture Committee** met Tuesday to consider six bills on calendar.

The following bills were *referred to Calendar and Rules*:



Rep. Litz

**HB 2163 (Litz)** authorizes the sale of liquid drain openers that contain a concentration of ten percent or more sulfuric acid when packaged in a form suitable for household use. Packaging must conform to all applicable federal regulations. Labeling violations are punishable as a Class B misdemeanor.

**HB 2307 (Bone)** increases total annual

income, from \$8,000 to the current poverty guidelines published by the United States Department of Health and Human Services, as the threshold for qualifying as “families of low income” relative to applying with the Commissioner of Agriculture for use of a parcel of unused land as a garden. The bill also deletes the schedule of fees for tobacco sales. As of 2002, there were no longer “tobacco sales” that the fee schedule is intended to govern.

**HB 789 (Cobb, T)** was *rolled one week*. This bill excludes pest control operators applying herbicide for control of weeds in conjunction with commercial lawn and landscape maintenance practices from the license and insurance requirements of a commercial pest control operator. It also defines requirements for certification as a “limited herbicide applicator”.

The following bills were *deferred three weeks*:

**HB 2359 (Curtiss)** adds a definition of “sausage” to the Tennessee Food, Drug, and Cosmetic Act. It

requires that sausage sold in any amount greater than one pound be frozen. Violation is punishable as a Class C misdemeanor.

**HB 113 (Bell)** eliminates requirements for licensure and regulation of dog and cat dealers.

**HB 413 (Bass)** eliminates licensing and regulation of persons who buy or sell dogs or cats at a flea market. It eliminates the dealer license fees for persons doing less than 25 transactions per year. Increases, from \$125 to \$150, the dealer license fee for persons conducting between twenty-five and fifty transactions per year



## GENERAL SUBCOMMITTEE OF AGRICULTURE

The General Subcommittee of Agriculture met Wednesday to consider four bills on calendar.

The following bills were *rolled to the next meeting*:

**HB 537 (Bell)** deletes current “No Smoking” sign posting requirements and requires establishments to post signs stating that smoking is permitted.

**HB 530 (Hackworth)** requires the Commissioner of Revenue to notify tobacco distributors no less than thirty days before excluding a brand family from the directory of certified manufacturers and brand families. It also requires the Commissioner to notify persons or stores that sell or make available tobacco products directly to

the ultimate consumer no less than sixty days before excluding a brand family from the directory. It authorizes a tobacco distributor or retailer, when the commissioner elects not to include a brand family or tobacco product manufacturer on the directory, to sell all affected tobacco products until such distributor or retailer's supply is exhausted, as long as such products have the proper tax stamps affixed.

**HB 727 (Hensley)** was *taken off notice*. The bill creates a Class C misdemeanor offense for smoking

cigarettes, pipes, or cigars in a motor vehicle in which a child is present who is restrained or meets restraint requirements. A violation is punishable by a fine only which is designated for the Child Safety Fund.

**HB 14 (Floyd)** *failed for lack of motion*. The bill includes any motor vehicle in which a child is present as a restricted smoking area within the provisions of the Children's Act for Clean Indoor Air.

# children & family affairs

Amelia Mitchell

## THE FULL COMMITTEE

The **Children & Family Affairs Committee** met on Wednesday, April 1<sup>st</sup> and considered the following legislation:



Referred to Calendar & Rules:

**HB 329 by Rep Sherry Jones** as amended requires the rules, regulations, and policies of DCS to be applied uniformly and consistently throughout the state. Department of Children Services is required to appear before the Select Committee on Children and Youth & the House Children and Family Affairs

Committee prior to March 1<sup>st</sup> each year for a review of rules, regulations, and policies and must submit any new departmental policies within 60 days of adoption for review.

Deferred one week:

**HB 677 by Rep. Cooper** as amended states a parent may not be suspended from visitation due to being unable

to pay for a specified visit. Supervisors serving under a court order may seek monetary relief from the court. In cases in which the court has found specific cases of abuse, the parent causing supervised visits is responsible for the costs. The cost for the supervised visit shall not exceed the guidelines of the Administrative Office of the Courts. The cost for a facility for the visitation may not exceed \$40 per hour.

**HB 1439 by Rep Coleman** changes the name of "juvenile referee" to "juvenile magistrate" and the name "child support referee" to "child support magistrate".

## FAMILY JUSTICE SUBCOMMITTEE

The **Family Justice Subcommittee** met on Tuesday, March 31<sup>st</sup> and heard the following bills:

Referred to Full Committee:

**HB 929 by Rep. Hawk** requires each party to a divorce, legal separation, or annulment to serve a copy of three credit reports, or a single aggregated report, on the other party and requires any final decree of divorce and marital dissolution agreement to contain a notice concerning creditors.

Deferred one week:

**HB 542 by Rep. Litz**

**HB 2159 by Rep. Hensley**

**HB 459 by Rep. McDonald**

**HB 5 by Rep. Hardaway**



## DOMESTIC RELATIONS SUBCOMMITTEE

The **Domestic Relations Subcommittee** met on Wednesday, April 1<sup>st</sup> and the following bill was sent to full committee:

**HB 1366 by Rep. Sherry Jones** changes the reporting date for the Commission of Children & Youth to legislative committees concerning resource mapping from February 15<sup>th</sup> to April 15<sup>th</sup>.

The following legislation was deferred one week:  
HB 806 by Rep. Campfield

## commerce

Todd A. Staley, Esq.

### THE FULL COMMITTEE

The **Commerce Committee** passed out five bills on Tuesday during its full committee meeting.



**HB 1420 (Tidwell)** creates the “Soil Scientist Licensing Act of 2009.” Soil scientists generally map a piece of land to determine how the properties of the soil support or limit activities and uses. Under this legislation, the Examiners of Land Surveyors would license and regulate soil scientists. The bill establishes minimum educational and experience

requirements to apply for licensure. An amendment was added to clarify that the new license does not affect any other profession related to soil science that already requires licensure or registration.

*[passed to Government Operations]*

**HB 644 (Montgomery)** as amended would require an individual who is wanting to start a private investigations firm to have 4,000 hours of experience in addition to the current requirements. An individual who owns, but does

not work as a private investigator only needs to have one employee who meets the experience requirement. All current private investigations firm license holders are grandfathered in. A second amendment was adopted that would allow the commission to consider 2 years of related experience or education in lieu of the 4,000 hour requirement.

*[passed to Finance, Ways, & Means]*

**HB 1375 (Johnson P)** as amended requires persons appointed to Tennessee Home Inspection Advisory Committee to be licensed home inspectors.

*[passed to Calendar & Rules]*

**HB 2199 (Miller L)** creates a special joint committee to study unnecessary barriers hindering the ability for small businesses to

compete. An amendment was added to require that each legislator appointed to the committee own or operate a small business.

*[passed to Finance, Ways & Means]*



Rep. Johnson

**HB 2329 (Cobb T)** allows the Department of Commerce & Insurance to charge a convenience fee for the submitting construction plans electronically. The Department is currently limited by statute on the fee that can be assessed for reviewing construction plans and specifications. This bill allows the Department to pass on the costs of the electronic system to those entities that submit plans electronically. Business can use the electronic system at a lower cost than the current hardcopy system.

*[passed to Calendar & Rules]*

**HB 1698 (McCormick)** would allow any incumbent telephone service provider (AT&T) to operate under market regulation instead of price regulation through the Tennessee Regulatory Authority. The committee merged two additional amendments with the subcommittee amendment. The bill was rolled to give committee members time to review the new amendment.

*[rolled for one week]*

**HB 1517 (Curtiss)** requires petroleum suppliers to make unblended gas or diesel available to wholesalers so that the wholesaler may blend the gas or diesel with ethanol or other biological products. The committee heard testimony from Jonathan Edwards of Edwards Oil in Lawrenceburg. Mr. Edwards testified that his supplier, Shell Oil has removed a prior waiver and now his company is unable to blend gas itself. The issue of trademark infringement was brought up and Rep. Casada indicated he would request an Attorney General's opinion on whether the legislation may open Tennessee up to litigation. The committee ran out of time and will hear additional testimony next week.

*[rolled for one week]*

**HB 595 (Coleman)** was rolled for two weeks.

**HB 888 (Sontany)** was rolled for one week.

#### **UTILITIES AND BANKING SUBCOMMITTEE**

The **Utilities and Banking Subcommittee** met on Tuesday and moved one bill to the full committee.

**HB 1349 (Sargent)** enacts the "Natural Gas Conservation and Annual Rate Review Act." The bill has three major components: 1) decoupling, 2) annual rate review, and 3) conservation program. Currently, gas companies may recover infrastructure costs based on the amount of gas used by its customers. Decoupling breaks this link. Under the annual rate review, a gas company would file reports of its expenses, revenues and investments to adjust rates with the TRA-approved general rate case. A gas company

using either decoupling, annual rate review or both would have to propose a conservation program. TRA Director Eddie Roberson expressed concerns over whether TRA has enough ability to review and disallow changes under the current language of the bill. The subcommittee also heard testimony from Mr. Joe Shirley of the Consumer Advocate Division of the Attorney General's office. Mr. Shirley contends that the bill would result in rate increases for consumers and also the removal of consumer protection and authority of the TRA.

*[moved to full committee]*

**HB 1498 (Turner L)** makes major revisions to the Tennessee Title Pledge Act. The subcommittee heard testimony from Mr. Webb Brewer of Memphis Area Legal Services. Mr. Brewer testified that many people are unable to pay back a title loan in 30 days and thus the 22% interest rollovers automatically to the next month.

Individuals can find themselves in a vicious cycle of debt and eventually lose their vehicle. After some deliberation, the bill was rolled to next year to await the biennial report due from the Department of Financial Institutions.

*[rolled to January 2010]*



**Rep. Turner**

**HB 1712 (Sargent)** was rolled to the last calendar.

**HB 738 (Mumpower)** was rolled for one week.

**HJR 146 (Towns)** was rolled for one week.

**HB 792 (Bass)** was rolled for two weeks.

**HB 1918 (Brooks)** was rolled to the last calendar.

**HB 1497 (Turner L)** was taken off notice.

**NOTE:** The subcommittee will be closing on April 21, 2009. Members are encouraged to place bills on notice as soon as possible.

#### **SMALL BUSINESS SUBCOMMITTEE**

The **Small Business Subcommittee** did not meet this week.

**NOTE:** The subcommittee will be closing on April 28, 2009. Members are encouraged to place bills on notice as soon as possible.

### **INDUSTRIAL IMPACT SUBCOMMITTEE**

The **Industrial Impact Subcommittee** met on Wednesday and moved one bill to the full committee.

**HB 1742 (Fitzhugh)** codifies a current Tennessee Real Estate Commission rule that requires an instructor of real estate pre-license or continuing education courses to have completed certain educational requirements, dependent on type of course to be taught, prior to eligibility as an approved instructor. It also establishes guidelines for distant learning courses offered for real estate continuing education requirements. An amendment was adopted to change “knowledgeable instructor” to “commission-approved instructor” regarding distance education courses.  
[moved to full committee]

The following bills were *rolled*:

**HB 272 (Dean)** – rolled to the last calendar.  
**HB 1562 (West)** – rolled to the last calendar.  
**HB 2367 (Stewart)** – rolled to special mandate calendar.  
**HB 1671 (Lynn)** – rolled for one week.  
**HB 1461 (DeBerry)** – rolled to special mandate calendar.  
**HB 1721 (Lundberg)** – rolled for one week.  
**HB 2304 (Shepard)** – rolled for two weeks.  
**HB 2105 (Shepard)** – rolled to special mandate calendar.  
**HB 1703 (McCord)** – rolled for one week.  
  
**HB 475 (Fraley)** was taken off notice.

**NOTE:** The subcommittee will hear all insurance coverage mandate bills on a special calendar for April 15, 2009. The subcommittee will be closing on April 22, 2009. Members are encouraged to place bills on notice as soon as possible.

## conservation & environment

Jeremy Maxwell

### **THE FULL COMMITTEE**

The **Conservation and Environment Committee** met Tuesday to consider six bills on calendar.

**HB 1424 (Lollar)** was *referred to Calendar and Rules as amended*. This bill restricts the validity of elk-take permits to the eastern grand division of the state. The amended bill states that any proceeds of the sale shall be used for the elk program on projects approved by the agency. The nonprofit wildlife conservation organization may use no more than twenty percent of the proceeds to advertise the sale of the permit. The commission is authorized to promulgate rules and regulations to implement the special elk-take permit program.

**HR 36 (Cooper, B)** was *referred to Calendar and Rules*. It urges Tennesseans to consider the many benefits of green job growth in Tennessee.

The following bills were *referred to FW&M as amended*:

**HB 2294 (Litz)** deletes the original bill in its entirety. It authorizes the Department of Environment and Conservation and the Local Development Authority to utilize stimulus funds provided by the American Recovery and Reinvestment Act of 2009 to make loans and grants to local governments for construction of wastewater and drinking water treatment facilities in a manner consistent with federal guidelines for the dispersal of such funds. The changes provided by the bill will allow TDEC to receive approximately \$70,000,000 which would be available to local governments through loans and grants for approved drinking and wastewater projects.

**HB 2111 (Borchert)** limits the requirement for the Commissioner of the Department of Environment and Conservation to offer discounted rates to resident veterans for activities at state parks to the off-season.

**HJR 149 (McCord)** was *referred to FW&M*. The proposed constitutional amendment previously approved by the 105th General Assembly relative to granting citizens the right to hunt, fish, and harvest game. This resolution would be placed on the 2010 regular November general election ballot.



Rep. Sargent

**HB 661 (Sargent)** was *rolled two weeks*. It authorizes county air pollution control boards to use remote sensing devices to identify vehicles that comply with air quality criteria. These counties have been designated by the air pollution control board to have an inspection and maintenance program by the effective date of this act.

#### **ENVIRONMENT SUBCOMMITTEE**

The Environment Subcommittee met to consider three bills on calendar.

The following bills were *deferred one week*:

**HB 977 (McCord)** requires any dealer, broker, or purchaser of more than 50 tons of coal annually to be licensed by the Department of Environment and Conservation. Any violation of such licensing requirement will be subject to a fine of up to \$50,000 and suspension or revocation of any license.

**HB 1619 (McCord)** eliminates the requirement that all concentrated animal feeding operations obtain coverage under a permit and would instead require coverage of only those facilities that release a water discharge in association with such operations.

**HB 899 (Dunn)** was *taken off notice*. The bill prohibits the Department of Environment and Conservation from issuing permits related to surface mining activities under certain circumstances.

#### **PARKS SUBCOMMITTEE**

The Parks Subcommittee met Wednesday to consider one bill on calendar.

**HB 1444 (DeBerry, L)** was *referred to full committee*. This bill prohibits state and local government entities from disqualifying individuals from having a park

named after them solely because the individual is not deceased.

#### **WILDLIFE SUBCOMMITTEE**

The Wildlife Subcommittee did not meet this week.



Rep. DeBerry



# consumer & employee affairs

Lucy Wilson

## THE FULL COMMITTEE

The **Consumer & Employee Affairs Committee** did not meet this week.

## CONSUMER AFFAIRS SUBCOMMITTEE



Con. Sub. Chair Eldridge

The **Consumer Affairs Subcommittee** met to hear four bills; one passed and the other three were rolled one week.

### **Passed to Full Committee:**

**HB 2218 by Gilmore** (SB 1763 by Herron) regulates foreclosure-related rescue consultant services under the Consumer Protection Act of 1977. As

amended, “foreclosure-rescue consultant” is defined as a person who offers to homeowners foreclosure-rescue services for money or other consideration and is not 1) a government agency; 2) a charitable not-for-profit agency; 3) someone who holds a lien on the property; or 4) a financial institution.

A written agreement has to be in place with specified components and a copy to the homeowner with at least one day to review before signing. The homeowner may cancel without any penalty within three days after signing and any payments made to the consultant shall be returned within ten days after receipt of cancellation. No attempt to collect payment can occur before performing all services in the agreement.

### **Rolled 1 week to April 7, 2009:**

**HB 0550 by Hardaway** (SB 0598 by Burchett) adds, as an unfair or deceptive act under the Tennessee Consumer Protection Act of 1977, the use of language in advertisements that would lead consumers to believe that

an entity is a governmental entity or working on behalf of a governmental entity.

**HB 0764 by Turner, M.** (SB 0812 by Overbey) regulates providers of debt-management services that enter into agreements with individuals for the purpose of creating plans used to pay debts owed.

## EMPLOYEE AFFAIRS SUBCOMMITTEE

The **Employee Affairs Subcommittee** met this week to hear nine bills.

### **Passed:**

**HJR 0027 by Hackworth**, which urges Congress to review and address the Social Security disability claims process, passed to full committee. The sponsor suggested this issue would be good to study over the summer.

### **Rolled 1 week to April 7, 2009:**

**HB 1916 by Lynn** (SB 1674 by Johnson) enacts the “Secret Ballot Protection Act of 2009.” Sponsor rolled one week.

**HB 0776 by Turner, M.** (SB 1664 by Harper) enacts the “Pay Equity in the Workplace Act” which will revise law provisions regarding wage discrimination. Sponsor rolled one week.

**HB 1760 by Curtiss** (SB 1201 by Tracy) revises benefit provisions concerning seeking work, dishonesty and absenteeism, revises hearing procedures, and penalties for fraud. Sponsor rolled one week.

**HB 1161 by Haynes, Evans** (SB 0682 by Woodson) clarifies that the civil cause of action for the retaliatory



Emp. Sub. Chair McDonald

discharge of an employee for reporting illegal activities applies to state employees, private employees, and certain persons paid by the federal government. Sponsor rolled one week.

**HB 2162 by Kelsey** (SB 2148 by Bunch) prohibits expenditures of funds by the department of labor and workforce development under unemployment law for any benefits under any policy or statute authorized by the American Recovery and Reinvestment Act of 2009 that requires expenditure of state funds under the unemployment law after June 30, 2011. Sponsor rolled one week.

**HB 0480 by Hill** (SB 0469 by Johnson) clarifies it is not a discriminatory practice under state law for an employer to institute an English-only policy in the employer's workplace based on business necessity. Sponsor rolled one week.

**Rolled 2 weeks:**

**HB 1571 by West** (SB 0432 by Bunch) authorizes officers of corporations to exempt themselves from unemployment law provisions.

## education

Patrick Boggs

### THE FULL COMMITTEE

The **House Education Committee** met Wednesday, April 1<sup>st</sup> with seven bills on calendar.

*Sent to Finance, Ways & Means:*

**HB 782 (McCormick)** – This bill requires LEAs to give teaching credit to JROTC instructors for teaching JROTC if they have creditable service teaching another subject area.

*Sent to Calendar & Rules:*

**HB 374 (Coley)** – This bill, as amended, requires a written or electronic referral for disciplinary actions for a student's behavior are to be returned to the faculty member issuing the referral; the referral shall not be retained on the student's permanent record.

*Rolled:*

**HJR 0033 (Lollar)** requires the state board to implement methods to encourage students to apply to at least one postsecondary institution. *(one week)*

**HB 0849 (Mumpower)** expands the "Moral Combat" intervention program statewide by authorizing human resource agencies to apply for grants. *(one week)*

**HB 0092 (J. Cobb)** – This bill, as amended by the committee, allows the longer use of conventional school buses by extending their yearly waiver limit five years (instead of the current three years) past the initial 12 years of service. The buses will be subject to safety inspections twice yearly, and waivers are to be granted

by the Commissioner of Education. Further amendments were added to require logs to be kept of all maintenance actions and safety inspections done during the waiver period, to limit to under 200,000 miles the amount of mileage allowed on buses operating in their 16<sup>th</sup> or 17<sup>th</sup> year, to encourage school boards to use federal funds to retrofit diesel buses to improve emissions, and to designate that it is the Department of Safety that grants safety waivers to for continued operation. *(one week)*

**HB 0975**

**(McCord)** requires that the TCAP be given later in the school year - during a five-day period between the last week of March and the first three weeks of April. *(one week)*

*Taken off notice:*

**HB 0102**

**(McCormick)** deletes the requirement that at a meeting at which action is taken on the director of school's contract extension, the contract action is to be the first item on the agenda.



Rep. McCord

## K-12 SUBCOMMITTEE

The **K-12 Subcommittee** met on Wednesday with 32 bills on calendar.

*Sent to the Full Committee:*

**HB 375 (Coley)** – This bill urges school districts to employ professional archivists to maintain materials when a school building is closed down.

**HB 376 (Coley)** – This bill urges teacher training programs within the state to offer comparative education programs, to examine teaching methods in other countries.



**HB 694 (K. Brooks)** – This bill requires the Department of Education to develop standards for parental involvement in schools and to report on each school's and school district's compliance with the standards on the 2010-2011 report card.

**HB 883 (Maddox)** – This bill allows school districts to adopt a four day per

week school calendar as long as all other requirements for school attendance are met.

*Rolled one week:*

HB 59 (Hardaway)  
HB 122 (Hardaway)  
HB 983 (Shaw)  
HB 1170 (Dunn)  
HB 2094 (Towns)  
HB 864 (Lollar)  
HB 2026 (Maddox)  
HB 1823 (Winningham)  
HB 1508 (Winningham)  
HB 1682 (H. Brooks)  
HB 1441 (Harwell)  
HB 1647 (U. Jones)

*Rolled two weeks:*

HB 1873 (Brown)  
HB 976 (McCord)

*Sent to State Board of Education for study:*

HB 209 (Coley)  
HB 688 (Winningham)  
HB 836 (Moore)

*Taken off notice:*

HB 207 (Coley)  
HB 208 (Coley)  
HB 60 (Hardaway)  
HB 854 (Mumpower)  
HB 1377 (P. Johnson)  
HB 281 (Matheny)  
HB 948 (Lynn)  
HB 114 (Bell)  
HB 1493 (H. Brooks)  
HB 679 (Cooper)  
HB 1560 (West)

## HIGHER EDUCATION SUBCOMMITTEE

The **Higher Education Subcommittee** used its committee time for a second week to discuss bills that use lottery funds to pay for college scholarships. There were 22 bills on the calendar for discussion. Several of the sponsors made remarks about their bills; all bills with the exception of the one listed below were taken off notice until a lottery calendar can be set when action will be taken.

*Sent to the Full Committee:*

**HB 1143 (H. Brooks)** – This bill clarifies retention provisions for HOPE scholarships after 72 credit hours are completed. It states that scholarship recipients must have a cumulative grade point average of at least 2.75 plus a grade point average of at least 3.0 in the last semester that the student attended full time.



# finance, ways & means

Julie Travis

## THE FULL COMMITTEE

The **Finance, Ways and Means Committee** met Tuesday to hear eleven bills with the scheduled budget hearings of the Commission on Children and Youth and the Dept. of Children's Services following the dispensing of bills on the calendar. The following actions on legislation were taken by the full committee:

### Deferred for one week:

HB 310 (Sargent)

HB 453 (McDonald)

### Deferred for two weeks:

HB 336 (Carr)

### Referred to Calendar & Rules:

**HB 16 (Swafford)** – This bill designates a section of I-40 in Cumberland County as the “Vietnam War Memorial Highway.” The committee amended the bill to require the City of Crossville to direct the funding for the signage to the department of transportation.

**HB 273 (Dean)** – This legislation authorizes local governments to use internet auctions, as a form of public auctions, for the disposal of surplus property, by extending statewide the authorizing provision already in place for Roane and Anderson counties with a 2/3rds vote by their county legislative bodies. This bill, however, does not require the 2/3rds voting requirement provision already in place for these two counties when they had the earlier opportunity to vote for this change.

**HB 383 (Sargent)** – As amended in the Finance Committee, this bill requires municipal fuel contracts to terminate no later than June 30, 2011, thereby extending the current authorization that was due to sunset on June 30<sup>th</sup> of this year.

**HB 1211 (Eldridge)** – This legislation clarifies the definition of the term “project” as it relates to central business improvement districts, with the expressed purpose resulting in increased utilization of tax increment financing (TIF funds) for the City of Jackson to allow a private developer to build a hotel and retail commercial development in Jackson that would probably not occur in the absence of this bill being passed. The undeveloped land is currently owned by the city, and at present, is not generating any sales or property tax revenues, thus

resulting in forgone state revenue. The state sales tax revenue that is expected to be generated with the proposed development is expected to then be redirected to the City of Jackson for the debt service on the bonds to thus finance the development.

**HB 1272 (Maggart)** – This bill designates the road between the Tennessee Fire Service Codes and Enforcement Academy Administration Building and the Tennessee Fire Service Codes and Enforcement Fire Station in Bedford County as the “Helen J. Brown Boulevard” and directs the department of transportation (TDOT) to erect suitable signs. As amended in the full committee, designating signs shall be erected only if Bedford County pays TDOT for the manufacturing and installation costs associated with the name change.

**HB 1494 (Hensley)** – This bill designates the bridge spanning Blue Water Creek on State Route 227 in Lawrence County as the “Bobby James Killen Memorial Bridge.” As amended in the House Transportation Committee, designating signs shall be erected only if Lawrence County directs the funding for the manufacture and installation of the signage to the department of transportation.



**HB 1820 (Maggart)** – This legislation authorizes the Tennessee Bureau of Investigation (TBI) to digitize sexual and violent sexual offender registry files and provides that a digitized copy of the original file shall be deemed an original for all purposes, including as evidence in judicial or administrative proceedings. According to the TBI, failure to pass this legislation may result in a 10 percent decrease in Byrne Grant funding for the State of Tennessee, which would be an approximate \$2.7 million.



**HB 2110 (McDaniel)** – This legislation, as amended in the House Agriculture Committee, allows local governments to regulate the time and place of business operations of veterinary practices, provided that such regulation does not conflict with state law or regulations governing the practice of veterinary medicine.

### **BUDGET SUBCOMMITTEE**

On Wednesday, April 1, 2009, the Budget Subcommittee of the House Finance, Ways, and Means Committee met with thirty-one bills on its calendar. Subcommittee action on these bills is as follows:

#### **Referred to Full Committee:**

**HB 294 (Bone)** – This bill designates the bridge in Cannon County crossing State Route 145 that connects Lock Creek Road, Pleasant Ridge Road and B. Tenpenny Road as the “1st Lt. Frank B. Walkup, IV Memorial Bridge.” Such funding shall come from the highway fund, in accordance with TCA §54-1-133, as First Lieutenant Walkup was killed in the line of duty while in service to our country.

**HB 343 (Bone)** – This bill designates the bridge presently known as the Little Goose Creek Bridge that spans Goose Creek on State Route 141 in Trousdale County as the “Howell Wayne Burns Memorial Bridge.” The cost of such signage shall be paid from the highway fund, in accordance with TCA §54-1-133, as Mr. Burns was killed in the line of duty while in service to our country during Vietnam.

**HB 2179 (Bone)** – This bill expresses the intent to name an appropriate bridge on State Route 840 in memory of 1<sup>st</sup> Lt. William Eric Emmert of the Tennessee



**Rep. Bone**

Army National Guard. The funding for naming the “First Lt. William Eric Emmert Memorial Bridge” shall come from the highway fund, in accordance with TCA §54-1-133, as First Lieutenant Emmert was killed in the line of duty while in service to our country.

**HB 2277 (Hardaway)** – This administration bill

removes the obsolete requirement for the head of each executive agency to submit to the Commissioner of Finance and Administration and to the Comptroller of the Treasury, by June 30, 1999, a letter acknowledging responsibility for maintaining the internal control system of the agency. The agencies must still perform annual operational risk assessments as a result of the passing of last year’s Financial Integrity Act; this bill essentially deletes the redundant reporting requirement.

**HB 1311 (Harmon)** – This legislation places a restriction on raiding the Highway Fund, by removing the Department of Finance and Administration’s authority to transfer funds from the highway fund to the state general fund. It requires that all funds allocated to TDOT be placed in a separate account in the custody of the state treasurer, to be known as the “Department of Transportation State Highway Fund” or “Highway Fund.” The Budget Subcommittee amended the bill providing the exception for those highway fund monies that are typically transferred to the Dept. of Agriculture (roughly \$1.1 million) to be used for the regulation of weights and measures, i.e., the program that regulates the accuracy of fuel pumps across the state.

**HB 716 (Niceley)** – This bill authorizes Tennessee residents with a valid handgun carry permit to possess a weapon within the boundaries of any state park. The Budget Subcommittee amended the bill, adding an additional section prohibiting TDEC from replacing or changing existing park signs prohibiting firearms, and it also barred the department from erecting any new signs relative to firearm usage at an existing park. The only exception to the signage stipulation would be unless such sign replacement or repair is due to damage or part of a scheduled replacement.



**Rep. Niceley**

**HB 66 (Fincher)** – This legislation, as amended in the House Children and Family Affairs Committee, eliminates the automatic dismissal of petitions for divorce or legal separation if all required information is not

included within the petition. Furthermore, it requires all information, including the social security number of the parties, be contained in the court's records prior to the entry of the final decree of divorce unless the court is satisfied that the information could not be obtained through due diligence exercised by the complainant or petitioner or after the court has granted a reasonable time to amend the complaint. The bill is applicable to petitions for divorce or legal separation filed on or after July 1, 2009. According to the Department of Human Services, the bill as amended is in compliance with federal law 42 USC § 666(a)(13)(B) requirements for the Title IV-D Child Support program, and therefore does not jeopardize the state in losing federal funds.

**HB 1367 (Fitzhugh)** – This legislation is known as the TCRS Omnibus bill. It makes changes to the Tennessee Consolidated Retirement System (TCRS) relative to provisions governing service in the system and other TCRS housekeeping measures, including clarifying that physicians are medical advisors and not a board who are



**Chairman Fitzhugh**

procured under contract by the Retirement System; placing the 403(b) plan for higher education employees under the responsibility of the president and chancellor of the UT and Board of Regents, respectively; extending the Concord Project for an additional two years; and clarifying that any employee who accrues sick

leave with a political subdivision may obtain retirement credit for his or her unused leave if so authorized by their political subdivision. The most notable provision within the bill is that it prevents the retirement benefits of state employees from being adversely affected if the employees' work hours are temporarily reduced due to reductions in funding levels. As amended in the Council on Pensions & Insurance, a sunset provision of June 30, 2011 was included for this provision.

**HB 347 (Hackworth)** – As amended in the State & Local Government Committee, this legislation allows cities and counties to enter into an agreement with the

Tennessee Bureau of Investigation to conduct background checks on beer permit applicants.

**HB 2140 (McDonald)** – This bill designates the segment of I-65 from mile marker 102 north to the state line at Kentucky as the "Deputy Brian Denning Memorial Highway" and directs the Department of Transportation to erect suitable signs. The cost of such signage being placed on the segment of I-65, both northbound and southbound, shall be paid from the highway fund, in accordance with TCA §54-1-133, as Deputy Denning was killed in the line of duty while in service the good people of Sumner County.

**HB 487 (Tidwell)** — This bill designates the segment of State Route 13 in Perry County from the intersection of such route with U.S. Highway 412 northward to the southern corporate limits of the City of Lobelville as the "Corporal David Carroll Westbrooks Memorial Highway." The funding for this memorializing signage shall be paid in accordance with TCA §54-1-133, as Corporal Westbrooks was killed in combat while serving in the U.S. Army.

**HB 488 (Tidwell)** – This bill designates the segment of U.S. Highway 412 in Perry County from its intersection with State Route 13 westward to the Perry County-Decatur County boundary as the "Veterans Memorial Highway." As amended in Budget Sub., Perry County will direct the funding for the signs.

**HB 491 (Tidwell)** – This bill designates the bridge spanning the Buffalo River on State Route 13 north of Flatwoods in Perry County as the "Sheriff Elmer Garner Memorial Bridge." As amended in House Transportation, Perry County will pay for the signs.

**HB 602 (Tidwell)** – This bill designates the bridge spanning Big Bigby Creek on U.S. Highway 412 in Maury County as the "Jack and Florence Cecil Memorial Bridge." As amended in Transportation, Maury County has been the designee to pay for the signage.

**HB 1934 (Tidwell)** – This bill designates the segment of S.R.13 in Perry County from the intersection with S.R.128 northward to the intersection with U.S. Highway 412 in the City of Linden as the "Dr. Gordon Turner Memorial Highway." The House Transportation Committee amended the legislation to require Perry County to direct the funding for the signs to the Department of Transportation.

**HB 960 (Tindell)** – This legislation, as rewritten in the House Judiciary Committee, provides for local government discretion as to the permitting or prohibiting of persons with handgun carry permits to possess weapons in local parks.



**Rep. Winningham**

**HB 1667 (Winningham)** – This legislation increases the coal severance tax from 20¢ to 50¢ per ton on July 1, 2009; from 50¢ to 75¢ per ton on July 1, 2011; and from 75¢ to \$1.00 per ton on July 1, 2013. It reduces from 3% to 1.125% the percentage of coal severance tax revenue that the Department of Revenue is authorized to retain

for the purpose of covering the expenses associated with the administration and collection of the coal severance tax. As amended in the Budget Subcommittee, a new section was added to the bill allowing the Dept of Revenue to recoup a sum sufficient amount to cover the

state expense for computer programming and software costs and for the decreased state revenue for just the first two fiscal years prior to remitting the remaining amount to the local governments.

**Deferred for Two Weeks:**

HJR 150 (Kelsey)  
HB 2264 (M. Turner)  
HB 1543 (Stewart)  
HB 18 (Swafford)  
HB 268 (Watson)

**Deferred for Three Weeks:**

HB 959 (Bass)

**Deferred to the Last Calendar:**

HB 301 (Hardaway)  
HB 949 (Lynn)  
HB 916 (Hill)

**Behind the Budget:**

HJR 3 (Kelsey) as amended  
HB 814 (Campfield)  
HB 62 (Fincher)  
HB 284 (Watson)

**Referred to Study Sub:**

HJR 115 (H. Brooks)

## government operations

Amber Rice

The **Government Operations Committee** met on April 1st to consider twenty-five bills.

**HB 1512 by Rep. Tindell** and **HB 1023 by Rep. Lynn** were both deferred for one week.

**HB 997 by Rep. Lynn**, **HB 1092 by Rep. Lynn**, and **HB 1815 by Rep. Lynn** were deferred for two weeks.

**HB 581 by Rep. Fincher** was deferred pending the review by the Judicial Council.

The following bill was sent to **Finance, Ways and Means**:

**HB 1245 by Rep. Curtiss**- Requires applicants for permits that would authorize a new or expanded

wastewater discharge into surface waters to include in the application consideration of alternatives including but not limited to land application and beneficial re-use of the wastewater. This bill requires the Tennessee water quality control board to adopt rules creating a system of incentives for alternatives to discharges to surface waters, such as land application and beneficial re-use of the wastewater.

The following bills were passed to **Calendar and Rules**:

**HB 1010 by Rep. Lynn**- Extends Board for Licensing Health Care Facilities to June 30, 2012.

**HB 1013 by Rep. Lynn-** Extends Board of Dispensing Opticians to June 30, 2015.

**HB 1022 by Rep. Lynn-** Extends Selection Panel for TennCare Reviewers to June 30, 2016.

**HB 1028 by Rep. Lynn-** Extends Department of Children's Services to June 30, 2012.

**HB 1042 by Rep. Lynn-** Terminates Child Care Facilities Corporation.

**HB 1054 by Rep. Lynn-** Terminates Families First Advisory Council.

**HB 1057 by Rep. Lynn-** Removes from sunset law the reference to State Agencies Publication Committee.

**HB 1072 by Rep. Lynn-** Extends Health Equity Commission to June 30, 2012.

**HB 1095 by Rep. Lynn-** Extends Tennessee Student Assistance Corporation, Board of Directors to June 30, 2014.

**HB 1098 by Rep. Lynn-** Extends Child Care Advisory Council to June 30, 2014.

**HB 1099 by Rep. Lynn-** Extends Tennessee Peace Officers Standards and Training Commission to June 30, 2015.

**HB 1816 by Rep. Lynn-** Creates sunrise provision for Board of Athletic Trainers to June 30, 2011.

The following bills were passed to **Calendar and Rules** with an amendment:

**HB 996 by Rep. Lynn-** As amended, extends Board of Social Work Licensure to June 30, 2013.

**HB 1018 by Rep. Lynn-** As amended, extends Southern Dairy Compact to June 30, 2011.

**HB 1061 by Rep. Lynn-** As amended, extends Tennessee Dairy Promotion Committee to June 30, 2014.

**HB 1062 by Rep. Lynn-** As amended, extends Tennessee Soybean Promotion Board to June 30, 2014.

**HB 1079 by Rep. Lynn-** As amended, extends Department of Financial Institutions to June 30, 2013.

**HB 1103 by Rep. Lynn-** As amended, extends Board of Claims to June 30, 2015.





## THE FULL COMMITTEE

The **Health & Human Resources Committee** met Tuesday, March 31, 2009, with six bills on calendar. **HB 0702 (Brooks K)** was rolled to *last calendar* at the request of the sponsor. **HB 2215 (Gilmore)** was rolled two weeks at the request of Speaker Pro Tem DeBerry. **HB 0050 (Gilmore)** as amended that encourages the Department of Health to implement an initiative to establish culturally appropriate programs to ensure that high-quality relevant services are provided to individuals who are most at risk of contracting HIV/AIDS and least likely to receive necessary care and creates a joint study committee to study the disproportionate impact that HIV/AIDS has on the African-American community was referred to Government Operations. **HB 1603 (Brooks H)** was rolled to *last calendar* at the request of the sponsor. **HB 2041 (McCord)** that deletes the July 1, 2009, expiration date for statutory provisions related to rental property unfit for habitation that were enacted in 2008 was referred to C&R. **HB 2270 (Armstrong, Turner M)** as amended that transfers the Center for Diabetes Prevention and Health Improvement from the Department of Finance & Administration to the Department of Health for administrative purposes and expands the entities authorized to apply for grants to include all schools and public entities was referred to C&R. After completing the calendar, Tony Garr,



**Chairman Armstrong**

Executive Director, Tennessee Health Care Campaign, gave a presentation on the Medically Needy Program in TennCare.

**Chairman Armstrong** made several announcements at the end of the meeting:

- Recognized Rep. Shepard for his service as Chairman of the TennCare Oversight Committee and congratulated Rep. Hensley on his election as the new Chairman of that committee
- The Health & Human Resources Committee has been invited to tour St. Jude Children's Research Hospital on May 1
- April is *Minority Health Month*, and the Health Equity Commission will be sponsoring a presentation on *inequities that are making us sick, particularly related to zip codes as a determining factor in health outcomes*, on Monday, April 6<sup>th</sup> at 3:00 PM in LP 31
- SJR 0127 (Rep. Maggart) will be heard before the full committee once the resolution is put on notice

## PROFESSIONAL OCCUPATIONS SUBCOMMITTEE

The **Professional Occupations Subcommittee** met Tuesday morning, March 31, 2009, with 14 bills on calendar, referring

four to full committee. **HB 2250 (Barker, Turner M)** as amended transfers statutory authority and responsibility for alcohol and drug prevention and treatment services from the Department of Health to the Department of Mental Health & Developmental Disabilities and reduces from 20 to

19 the total membership of the Board for Licensing Health Care Facilities. **HB 1552 (Harwell)** prohibits universal mental health or socioemotional screening of juveniles unless consented to by a parent or guardian, ordered by the court, done as a emergency screening in



**Rep. Barker**

connection with a disaster or epidemic, or done as a screening required by the EPSD&T Program and prohibits a local education agency (LEA) from using a parent's refusal of psychotropic medication or a mental health screening as grounds for not permitting the child to attend class or participate in school-related activities or as the basis for reporting child abuse, child neglect, educational abuse, or medical neglect. **HB 1053 (Lynn)** eliminates the Board of Electrolysis Examiners and transfers the duties of the Board to the Commissioner of Health. (HB 1053 is traveling with a Government Operations Committee amendment.) **HB 2336 (Stewart, Turner M)** revises current law related to the inspection and copying of medical records of health care providers by the Department of Health.

In other action, **HB 0106 (Matheny)** was rolled one week at the request of the sponsor. **HB 0464 (Odom)** was rolled one week at the request of the sponsor. **HB 1114 (Shepard)** was rolled two weeks at the request of the sponsor. Rep. Floyd offered **HB 1353** that would exempt Hamilton County from certain statutory requirements relating to county medical examiners and facilities performing autopsies. After discussion and testimony from the Department of Health, the subcommittee rolled HB 1353 one week for further review of the issues in Hamilton County that this bill seeks to address. **HB 1465 (Harwell)** was taken off notice at the request of the sponsor. **HB 1495 (Maggart)** was rolled two weeks at the request of the sponsor. **HB 2303 (Fitzhugh, Turner M)** was taken off notice at the request of the sponsor. **HB 2266 (Shepard, Turner M)** was rolled two weeks at the request of the sponsor. **HB 1344 (Hill)** was taken off notice at the request of the sponsor. **HB 0481 (Hill)** was taken off notice at the request of the sponsor.

#### **PUBLIC HEALTH & FAMILY ASSISTANCE** **SUBCOMMITTEE**

The **Public Health & Family Assistance Subcommittee** meeting scheduled for Tuesday afternoon, March 31<sup>st</sup>, was canceled by Chairman Hensley. The three bills (HBs 2286, 0151, 0445) and three resolutions (HJRs 0066, 0088, 0127) on notice were rolled to future calendars.

#### **HEALTH CARE FACILITIES** **SUBCOMMITTEE**

The **Health Care Facilities Subcommittee** met Wednesday afternoon, April 1, 2009, with five bills on calendar, referring three to full committee. **HB 0684 (Cooper)** as amended requires the Department of Human Services, Tennessee Board of Regents, and University of Tennessee system to enter into agreements as required by federal law to provide interpreter services to deaf and hard of hearing individuals attending public institutions of higher learning at no cost to the individual. **HB 1843 (Harmon)** as amended authorizes the Board for Licensing Health Care Facilities to delegate to the Department of Health the authority to issue a new license to a successor owner of a health care facility under certain circumstances and increases the threshold for obtaining a certificate of need for acquisition of major medical equipment from "exceeds \$1.5 million" to "exceeds \$2 million." (The two amendments adopted on HB 1843 actually rewrite the bill, including the effective date.) **HB 2278 (Shaw, Turner M)** extends the expiration date of the Intermediate Care Facilities for the Mentally Retarded (ICF/MR) gross receipts tax from June 30, 2009, to June 30, 2011.

In other action, **HB 1295 (Cobb C)** was rolled two weeks at the request of the sponsor. **HB 1942 (Favors)** was rolled two weeks at the request of the sponsor.

## THE FULL COMMITTEE

The **Judiciary Committee** (Chairman Coleman) met on Wednesday, April 1, 2009 with 29 bills on calendar.

### To Calendar & Rules:

**HB 0623 (Maggart)** establishes the venue for a violation of community supervision of a sexual offender



Rep. Maggart

as the county where the offender was being supervised at the time of the violation, and it permits the probation office to be the affiant for purposes of obtaining an affidavit of complaint against the defendant.

**HB 0326 (Jones S)** clarifies that the meaning of near fatality, for purposes of allowing public disclosure of

confidential department of children's services information relating to such, is a child having a serious or critical medical condition resulting from child abuse or child sexual abuse as reported by a physician who has examined the child subsequent to such abuse.

**HB 0604 (DeBerry J)**, as amended, extends confidential status to certain identifying information compiled and maintained by the Department of Correction concerning a person who has requested that notification be provided regarding the status of criminal proceedings or of a sentenced felon. Amendment #1 makes the bill.

**HB 1247 (Curtiss)** requires certain personal information regarding a victim who receives compensation under the criminal injuries compensation fund to be treated as confidential.

**HB 0703 (Watson)**, as amended, designates as classified and exempt from public disclosure records that are directly related to the security of government

buildings. Amendment #1 clarifies that the press may release their footage of an incident (such as a fight) occurring at a courthouse.

**HB 2306 (Fincher)** includes in the definition of "state employee", for purposes of the provisions governing the civil liability defense of state employees, those persons participating in the process of executing a sentence of death as a contractor or volunteer.

**HB 1141 (Sontany)** describes dangerous instrumentality as any item in its manner of use or intended use as applied to a child that is capable of producing serious bodily injury.

**HB 1142 (Sontany)** describes serious bodily injury in children to include second or third degree burns, bone fractures, concussion, and permanent or protracted disfigurement.

### To Finance, Ways & Means:

**HB 0409 (Pitts)** requires judicial commissioners to complete twelve hours of continuing education each year.

**HB 0355 (Hackworth)**, as amended, requires a law enforcement officer to conduct a test to determine the blood alcohol of driver involved in an accident that results in injury or death where the officer has probable cause to believe the driver committed DUI, vehicular assault, vehicular homicide, or aggravated vehicular homicide.

Amendment #1 makes the bill and clarifies that the admissibility of the test evidence is to be governed by the Tennessee Rules of Evidence.

**HB 0730 (Ferguson)**, as amended, allows certain municipal judges to concurrently serve as municipal recorder and exempts certain



Rep. Ferguson

municipal judges from certain annual continuing education requirements imposed on municipal judges. Amendment #1 provides that if a municipal judge satisfies the annual CLE requirement, whereby three of those hours are in training or judge education, then the municipal judge shall not be required to complete three additional hours of training or judge education.

**HB 1244 (Curtiss)** requires an adult convicted of contributing to the delinquency of a minor to serve 100 percent of Class A misdemeanor sentence, which is 11 months and 29 days, where the offense involved supplying a substance to a minor that is unlawful for a minor to possess and the minor engages in conduct that causes death of another.

**HB 2157 (Towns)** waives handgun permit fees for persons over 65. An amendment is expected in FW&M that would reduce the fiscal note by approximately \$600,000.

**HB 0264 (Watson)** increases the penalties for resisting arrest from Class B misdemeanor to Class A misdemeanor and from Class A misdemeanor to Class E felony when a deadly weapon is used in resisting the arrest; requires the court to suspend the defendant's driver's license when the motor vehicle is used as deadly weapon.

**HB 0004 (Bass)** provides that a person exempt from the classroom and the firing range training requirements, by reason of prior military experience, is also exempt from payment of the \$115 application and processing fee.

**Taken Off Notice:**

HB 1146 (Bass).

**Rolled:**

HB 0620 (Maggart): 1 week.

HB 0250 (Carr): 1 week.

HB 0232 (Todd): 1 week.

HB 1108 (Maddox): 1 week.

HB 0241 (Rich): 1 week.

HB 1614 (McDonald): 1 week.

HB 2099 (Towns): 2 weeks.

HB 1527 (Brooks H): 1 week.

HB 0389 (Fincher): 1 week.

HB 0391 (Fincher): 1 week.

HB 1267 (Faulkner): 1 week.

HB 0918 (Matheny): 1 week; amendment expected.

HB 0587 (Coleman): 1 week.

**CIVIL PRACTICE & PROCEDURE**  
**SUBCOMMITTEE**

The **Civil Subcommittee** (Chairman Kelsey) met on Tuesday, March 31, 2009 with 39 bills on calendar.

**To the full**

**Committee:**

**HB 2254 (Yokley)**

revises certain reporting and investigatory requirements concerning abused adults.

**HB 0527 (Coley)**

allows the court to deny a name-change petition where the court believes the purpose of the name change is to defraud, not made in good faith, will cause injury, or compromises public safety.

**HB 1554 (Montgomery)** authorizes the creation of a city court in each home-rule municipality that does not have a city court established by the local governing body.

**HB 1405 (Barker)** creates a city court to be administered and presided over by a city judge instead of authorizing the council in a modified city manager-council charter by ordinance to establish and provide for the administration of a city court.

**HB 2015 (Hawk)** creates a municipal court for any municipality that does not have such a court established by the General Assembly.

**To Summer Study:**

**HB 0676 (Cooper B)** requires the Administrative Office of the Courts to post signs in each courtroom that details a "Litigant's Bill of Rights."

**Taken Off Notice:**

HB 1384 (Maggart).

HB 2370 (Gilmore).

**Rolled:**

HB 1832 (Turner M): 1 week.

HB 0126 (Hardaway): 1 week.

HB 0130 (Hardaway): 1 week.



**Civil Chair Kelsey**



HB 0736 (Hardaway): 1 week.  
 HB 0680 (Cooper B0): 1 week.  
 HB 1379 (Johnson P): 2 weeks.  
 HB 1576 (Johnson P): 2 weeks.  
 HB 1689 (Johnson P): 2 weeks.  
 HB 1385 (Harrison): 1 week.  
 HB 1762 (Shipley): 1 week.  
 HB 2154 (McCord): 1 week.  
 HB 2296 (Gilmore): 2 weeks.  
 HB 1519 (Sargent): 1 week.  
 HB 1183 (Ford): 2 weeks.  
 HB 0675 (Turner L): 1 week.  
 HB 1840 (Haynes): 1 week.  
 HB 0841 (Weaver): 1 week.  
 HB 1598 (Lynn): 1 week.  
 HJR 0108 (Lynn): 1 week.  
 HB 1407 (Jones S): 1 week.  
 HB 0914 (Hill): 1 week.  
 HB 2109 (Floyd): 1 week.  
 HB 0608 (Stewart): 2 weeks.  
 HB 1457 (Coleman): 1 week.  
 HB 1736 (Fincher): 1 week.  
 HB 2243 (Lundberg): 1 week.  
 HB 1358 (Lundberg): 1 week.  
 HJR 0103 (Kelsey): 1 week.  
 HB 0682 (Cooper B): 1 week.  
 HB 1448 (McCord): 1 week; awaiting Judicial Council review.  
 HB 0386 (Sontany): 1 week.

### **CRIMINAL PRACTICE & PROCEDURE SUBCOMMITTEE**

The **Criminal Subcommittee** (Chairman Watson) met on Wednesday, April 1, 2009 with 32 bills on calendar.

#### **To the full Committee:**

**HB 1778 (Casada)** prohibits confiscations of lawfully possessed firearms and ammunition during periods of martial rule; clarifies firearm and ammunition restriction prohibitions during any state of emergency, major disaster, or natural disaster.

**HB 0770 (Turner M)** authorizes a person with a handgun permit to carry a handgun while big game bowhunting during the archery-only deer season.

#### **Taken Office Notice:**

HB 1292 (Casada).  
 HB 1118 (Casada).  
 HB 0233 (Todd).  
 HB 0489 (Tidwell).  
 HB 0490 (Tidwell).  
 HB 0112 (Bell).

HB 0747 (Bell).  
 HB 2115 (Bell).  
 HB 2081 (Townns).

#### **Failed:**

HB 0823 (Campfield).  
 HB 0798 (Campfield).

#### **To Summer Study:**

HB 0503 (Todd).

#### **Rolled:**

HB 0314 (Matheny): 1 week.  
 HB 0583 (Fincher): 2 weeks.  
 HB 1639 (Jones U): 3 weeks.  
 HB 1938 (Matheny): 1 week.  
 HB 1395 (Evans): 1 week.  
 HB 0363 (Mumpower): 2 weeks.  
 HB 0856 (Mumpower): 2 weeks.  
 HB 0855 (Mumpower): 2 weeks.  
 HB 0972 (McCord): 1 week.  
 HB 1625 (McCord): 1 week.  
 HB 0724 (Kelsey): 1 week; amendment expected.  
 HB 1225 (Harwell): 1 week.  
 HB 0898 (Watson): 3 weeks.  
 HB 1807 (West): 2 weeks.  
 HB 1793 (West): 2 weeks.  
 HB 1801 (West): 2 weeks.  
 HB 1805 (West): 2 weeks.  
 HB 1806 (West): 2 weeks.

# state & local government

Lawrence Hall, Jr.

## THE FULL COMMITTEE

This week in the **State and Local Government Full Committee**, forty bills were on the calendar for consideration. Twenty-one bills were sent to Calendar and Rules and six were passed to Finance, Ways and Means. All other bills were rolled to a later date.

*To Calendar and Rules (21bills):*



**Rep. Tindell**

### HB 894 by Tindell

- Extends deadline for applications for 2009-2010 annual events from December 31, 2008, to 15 days after this act becomes law; requires secretary of state to submit second omnibus list for 2009-2010 annual events; redefines 501(c)(3) organization to include organization with 501(c)(3) status for at least one year and continuously

active as a nonprofit entity conducting an annual fishing event for youth in a county in which it applies to hold an annual event for at least 10 years.

**HB 2288 by Tindell** - Increases from \$5,000 to \$25,000 the amount of goods and services, for which a source of supply has not otherwise been established, that may be procured without requisitioning such goods or services through the department of general services.

**HB 2256 by Curtiss** - Requires department of human resources to make determination regarding award of days from sick bank within 10 business days instead of within 10 calendar days; extends maximum continuous leave grant from sick bank from 20 to 30 days.

**HB 1413 by Kernell** - Revises the present requirements for an historic interpretive center, which applies to the Center for Southern Folklore in Memphis, to no longer have the location of the center being in a

restored theater but instead place the location of the center in an historic area where structures listed on the national register of historic places are located.

### HB 1387 by

**Halford** - This bill specifies procedures for sale of property purchased at a delinquent tax sale for municipal taxes only.



**Rep. Halford**

### HB 1558 by Dean -

Authorizes the purchase of secondhand items by local governments as long as the general range of value of the item is documented through a listing in a recognized publication or through an appraisal and the price is no more than 1 percent of the documented range.

**HB 2378 by Carr** - This bill imposes application of wheel tax on Rutherford County residents for operation of motor vehicles on any highway in the county by removing present exception for operation on state highways.

**HB 2274 by Turner M.** - Deletes authorization for Tennessee board for economic growth and Tennessee Tomorrow, Inc.; removes responsibility for administering institutional conservation program from energy division of department of economic and community development.

**HB 713 by Shipley** - Subjects director of county emergency management agency to the control of the chief local elected official in lieu of county governing body.

**HB 2365 by Casada** - Adds Laurel Cove in Williamson County to those facilities authorized to sell alcoholic beverages for on-premises consumption as a premier type tourist resort.

**HB 1601 by Swafford** - This bill removes requirement that the trustee must report and make a settlement for all

taxes with the commissioner of revenue; removes requirement that the trustee submit a financial report to certain state and local government officers for purposes of making a final settlement of taxes.

**HB 356 by Hackworth** – This clarifies design of stars on Tennessee state flag to ensure flag is properly displayed.

**HB 726 by Hensley** - Designates “Gold Star Mother’s Day,” the last Sunday in September, as a day of special observance.

**HB 2242 by Todd** - discontinues appointment of specified members of the general assembly as members



**Chairman Todd**

on the board of directors of district management corporations and local neighborhood development corporations.

**HB 0875 by Haynes** - Specifies that certain supplemental petitions are not required to be submitted to the utility management review board.

**HB 876 by Haynes** - This bill clarifies

certain terms for the merger, consolidation, or transfer of assets of utility districts.

**HB 957 by McCord** - expands the membership of the board of an industrial development corporation among two or more municipalities; expands the type of obligations for which the corporation may mortgage and pledge any or all of its projects as security for their payment.

**HB 1990 by Fitzhugh** – This bill revises provisions governing the notice to be given prior to enforcing a lien for uncollected property taxes.

**HB 1989 by Fitzhugh** - Requires country trustee to submit a plan to the comptroller regarding partial tax payments prior to the trustee’s accepting partial payment of property taxes.

**HB 1979 by Fitzhugh** - Reduces from three to two the number of consecutive years a utility district, water system, or wastewater facility must have a negative change in net assets in order to be considered financially distressed.

**HB 1978 by Fitzhugh** – This bill enacts the “Local Government Electronic Technology Act of 2009.”

*To Finance, Ways and Means (6 bills):*

**HB 616 by Todd** – This bill requires vending machines located on state property to either use energy efficient lights for advertising or have the lights used solely for advertising removed.

**HB 1549 by Casada** – This bill revises “Grape and Wine Law” based on a Sixth Circuit U.S. Court of Appeals decision including allowing out-of-state wineries to be licensed.

**HB 1246 by Curtiss** - Requires full-time, part-time, or volunteer firefighters hired or accepted on or after July 1, 2009, to meet certain minimum training requirements.

**HB 889 by Hackworth** – This bill revises procedures for forced assessment and equalization of tangible personal property.

**HB 2042 by McCord** - Subject to local approval, increases the hotel motel tax from 4 percent to 5 percent; redistributes the proceeds.

**HB 1720 by Carr** - Provides that manufacturing of intoxicating liquors is allowed in counties that have approved retail package sales and liquor-by-the-drink sales through voter referendum.

*Other Bills:*

**HB 563 by Rep. Kelsey** – Failed to receive a majority vote.

All other bills were rolled to later calendars.

## **STATE GOVERNMENT SUBCOMMITTEE**

This week in **State Government Subcommittee**, there were thirteen bills on the calendar. Five bills were passed to full committee and all others were set for a later calendar.



**Rep. McManus**

*To the Full Committee:*

**HB 1346 by McManus** -

Requires that certain official actions be taken to honor members of the Tennessee National Guard who die in the line of duty.

**HB 2313 by Bass** -

Authorizes the department of safety, when a commissioned member of the

department is killed in the line of duty, to present the member's service weapon to the member's surviving spouse or child.

**HB 2301 by Camper** - Transfers responsibility for inventorying removable equipment from department of general services to department of finance and administration; makes other changes concerning transfer of government property among agencies; removes requirement that energy impact assessments be provided for general bills.

**HB 242 by Rich** - Authorizes state employees who are in the military to use sick leave rather than annual leave when called to military duties.

**HJR 52 by McDonald** - Supports the erection of statues honoring Nobel Prize recipients, Cordell Hull and Al Gore, on State Capitol grounds using solely private funds.

*Other Bills:*

**HB 670 by Dennis** – Corrections Oversight

**HB 1115 by Hackworth** – 1 Week

**HB 2349 by Dennis** – Corrections Oversight

**HB 2357 by P. Johnson** – 1 Week

**HB 1714 by Kelsey** – Failed to receive a majority vote.

**HB 2710 by Dean** – 1 Week

**HB 52 by Gilmore** – Corrections Oversight

**HB 1670 by Lynn** – 2 Weeks

**LOCAL GOVERNMENT SUBCOMMITTEE**

This week in **Local Government Subcommittee**, seventeen bills were considered. Nine bills were passed to full committee and all other bills were deferred to later dates.

*To the Full Committee:*

**HB 304 by Sargent** - Deletes the current exemption for compliance with platting regulations for the division and plats of land partitioned by the owners among themselves either in court or by deeds.

**HB 492 by Tidwell** – This bill authorizes the creation of a municipal economic development zone in financially distressed communities; exempts businesses located in such zones from charging and collecting 50 percent of the sales and use tax; dedicates all sales taxes collected in such zones to the creating municipality for certain purposes.

**HB 493 by Tidwell** - Expands the Tennessee River Resort District for liquor-by-the drink applicable to Perry County to include the entire county, instead of limiting the area in such county to three miles from the bank of the Tennessee River, upon the adoption of a resolution by the county legislative body.

**HB 1535 by McCormick** - Specifies that division of property assessments has right to intervene in contested cases before the state board of equalization; specifies persons who are authorized to represent the assessor.

**HB 2073 by Cobb**

**C** - Subject to local approval, clarifies that a majority of those present and voting shall be necessary for action by the council; clarifies that this voting procedure is to be used for election of Electric Power, Water and Sewage Board members.

**HB 2074 by Fitzhugh** -

Authorizes governing bodies of local governments to make appropriations to reimburse taxpayers for overpayment of property taxes due to



**Rep. Cobb**



clerical errors; revises description of clerical errors; clarifies jurisdiction of state board of equalization.

**HB 2075 by Fitzhugh** - Requires that judicial review of action of the state board of equalization be conducted in accordance with the Uniform Administrative Procedures Act; authorizes reviewing court to remand to board for additional proof upon request of party who was pro se before board and whose case is not substantially prejudiced as a result.

**HB 2127 by Dennis** - Authorizes repeal of Tennessee River Resort District status by two-thirds vote of legislative body of jurisdiction.

**HB 341 by Hensley** - Prohibits a permit from being issued for a solid waste disposal facility within five miles of Swan Creek, which is located in Lewis County, in order to protect the great biodiversity of the Swan Creek Watershed the same being the home of a number of rare invertebrates and plants.

*Other Bills:*

**HB 1659 by Armstrong** – 1 Week

**HB 496 by Kelsey** – Failed to receive majority vote.

**HB 559 by Kelsey** – 1 Week

**HB 1160 by Fraley** – 3 Weeks

**HB 1352 by Matheny** – 1 Week

**HB 1905 by Curtiss** – 1 Week

**HB 2177 by Ferguson** – 1 Week

**HB 1155 by Shepard** – 1 Week

## **ELECTIONS SUBCOMMITTEE**

This week in **Elections Subcommittee** there were five

bills on the calendar. Three were passed to full committee and two were rolled to future calendars.

*To the Full Committee:*

**HB 891 by Hackworth** - Enacts the “Fair Campaigning Act.”

**HB 519 by Todd** - Prohibits contributions from PACs after the 10th

day before an election to coincide with reporting date of pre-primary and pre-general election statements.

**HB 614 by Todd** - Deletes all provisions requiring the purchase of precinct-based optical scanner voting systems only, including language referring to Help America Vote Act funds; deletes mandatory hand count audits of paper ballots created by such machines; deletes language.

*Other Bills:*

**HB 845 by Mumpower** – 1 Week

**HB 1838 by Todd** – 2 Weeks



**Rep. Hackworth**

## FULL COMMITTEE



**Chairman Harmon**

### **The House Transportation Committee**

convened March 31, 2009. There were 9 bills on the calendar.

**HB205 (Swafford)** was taken off notice.

**HJR116 (H. Brooks)** and **HB107 (Lundberg)** were rolled for one week.

**HB706 (Dean)** was rolled for two weeks.

The following bills were passed by the committee and referred to the **Finance, Ways and Means Committee**:

**HB253 (Casada)** – Adds three violations of the rules of road to the current list of violations resulting in accident that are penalized as Class A misdemeanors when involving death or as Class B misdemeanors when involving serious bodily injury.

**HB1480 (J. Cobb)** – “Jimmy ‘Pap’ Galloway Memorial Bridge” highway signs for a bridge on U.S. Highway 27 in Rhea County. An amendment was adopted for Rhea County to pay for the signs.

**HB1382 (Harmon)** – Creates exemption from petroleum tax for fuel used by an independent contractor under contract with an LEA to provide school transportation services.

The following bills were passed by the committee and will be placed in the **Omnibus Special License Plate Bill**:

**HB1164 (K. Brooks)** – Authorizes issuance of new TN SOLAR POWER! specialty earmarked plates. The bill allocates proceeds from such plates to Tennessee

Energy Education Network (TEEN) and Cleveland State Community College.

**HB1853 (Bell)** – Authorizes issuance of new specialty earmarked plates for Cherohala Skyway and allocates proceeds from such plates to Cherohala Skyway Visitor Center. An amendment was adopted Allows for a Cherohala Skyway motorcycle plate, and that sales of the regular specialty plate and the motorcycle plate together will count towards the 1,000 plate minimum.

## RURAL ROADS SUBCOMMITTEE

The **Rural Roads Subcommittee** met March 31, 2009 to consider four bills.

**HB1215 (Tidwell)** was moved to the Public Safety Committee during floor session on Thursday, March 26.

**HB1165 (K. Brooks)** and **HB2326 (McDonald)** were rolled for one week.

The following bills were passed by the committee and referred to the full **Transportation Committee**:

**HB2330 (Harmon)** – As amended, revises several provisions regarding commercial driver licenses, motor vehicles and motor carriers to bring Tennessee in compliance with federal rules.

**HB100 (Moore, Harmon)** – “Corporal Jessie William Gammons Memorial Bridge” highway signs on State Highway 100 in Metropolitan Nashville and Davidson County.



**Rep. Moore**

## **PUBLIC SAFETY SUBCOMMITTEE**

The **Public Safety & Rural Roads Subcommittee** met March 31, 2009 to consider 11 bills.

**HB2052 (Rowland)**, **HB1429 (Niceley)** and **HB982 (Shaw)** were rolled for two weeks.

**HB1638 (U. Jones)** was rolled for three weeks.

**HB541 (Litz)** was rolled to a special calendar.

**HB1910 (C. Johnson)** was rolled to the last calendar.

The following bills were passed by the committee and referred to the full **Transportation Committee**:

**HB1605 (H. Brooks)** – As amended, requires a bicycles that is driven at night to have either a red reflector or a lamp emitting a red light that is visible from 500 feet to the rear of the bicycle.

**HB1179 (Yokley)** – Authorizes issuance of colon cancer awareness new specialty earmarked license plates, and earmarks 50 percent of funds produced from sale thereof to promote public education and awareness about colon cancer.

**HB1256 (Tindell)** – As amended, authorizes issuance of new specialty earmarked plate for Tennessee State Museum, and allocates revenue from such plates to Tennessee State Museum Foundation, Inc. to buy artifacts.

**HB2069 (J. Cobb)** – Authorizes certain municipalities to allow golf carts on those municipalities' city streets within their jurisdiction upon the adoption of an ordinance by a two-thirds vote. Amendments were added to restrict the golf carts to streets with a posted speed limit of 30 mph or less, and to require signage.

**HB1215 (Tidwell)** – As amended, creates a study committee to study the use of golf carts on city streets.

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